

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0941**

Kristopher Lee Roybal,
Appellant,

vs.

Paul Schnell,
Respondent.

**Filed February 1, 2021
Affirmed
Bjorkman, Judge**

Anoka County District Court
File No. 02-CV-19-7176

Kristopher Roybal, Togo, Minnesota (pro se appellant)

Keith Ellison, Attorney General, Corinne Wright-MacLeod, Assistant Attorney General,
St. Paul, Minnesota (for respondent)

Considered and decided by Larkin, Presiding Judge; Johnson, Judge; and Bjorkman,
Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant challenges an order denying his petition for a writ of habeas corpus based on res judicata. Because this petition depends on the same set of factual circumstances as those presented in a prior habeas proceeding, which appellant fully and fairly litigated, involved the same parties, and was finally decided on the merits, we affirm.

FACTS

Appellant Kristopher Roybal was convicted of felony possession of a controlled substance and sentenced in February 2019 to 95 months' imprisonment. Roybal applied for the Conditional Release for Nonviolent Controlled Substance Offenders Program (CRP) administered by the Minnesota Department of Corrections (the department). In May, the department informed him that his application had been approved and he would be conditionally released on June 3, 2021.

In September, Roybal initiated a habeas proceeding in Crow Wing County District Court (Crow Wing petition), arguing, among other things, that his CRP projected release date should be recalculated. The following month, while the Crow Wing petition was pending, Roybal received notice that the department rescinded his acceptance because he was statutorily ineligible for the CRP. Roybal moved the Crow Wing district court to "strike" the decision rescinding his acceptance into the CRP. In November, Roybal was transferred to a correctional facility in Anoka County.

In December, while the Crow Wing petition was pending, Roybal filed this habeas petition in Anoka County District Court. This petition alleges due-process and equal-protection violations stemming from the department's rescission of Roybal's CRP participation, and seeks reinstatement into the CRP as well as recalculation of his projected release date. After respondent Commissioner of Public Safety Paul Schnell responded to the Anoka petition, the Crow Wing district court issued an order denying the Crow Wing petition. The February 2020 order rejected Roybal's CRP projected-release-date-calculation claim as moot because the department rescinded his participation in the

program, and the rescission did not violate his constitutional rights because the program is discretionary.¹

The Anoka district court then asked the parties to brief whether res judicata applies “due to the fact that the Crow Wing County court had already ruled on issues pertaining to Roybal’s participation in the CRP.” After considering the parties’ submissions, the Anoka district court denied the petition, concluding that res judicata bars Roybal from relitigating his claims. Roybal appeals.

DECISION

Res judicata is the principle that, once a case has reached a resolution, neither party may relitigate “claims arising from the original circumstances.” *Hauschildt v. Beckingham*, 686 N.W.2d 829, 837 (Minn. 2004). Res judicata achieves finality based upon the notion that “a party should not be twice vexed for the same cause, and that it is for the public good that there be an end to litigation.” *Shimp v. Sederstrom*, 233 N.W.2d 292, 294 (Minn. 1975). If res judicata applies, it serves to bar “not only claims as to matters actually litigated, but also as to every matter that *might have been litigated* in the prior proceeding.” *Wilson v. Comm’r of Revenue*, 619 N.W.2d 194, 198 (Minn. 2000). Res judicata principles apply to successive habeas petitions. *See Thompson v. Wood*, 272 N.W.2d 357, 358 (Minn. 1978); *State ex rel. Du Fault v. Utecht*, 19 N.W.2d 706, 717

¹ Roybal appealed only the portion of the Crow Wing order pertaining to his participation in the Challenge Incarceration Program—a separate early-release program administered by the department. This court concluded that the department’s refusal to let Roybal participate in that program did not violate his due-process or equal-protection rights. *Roybal v. Schnell*, No. A20-0314, 2020 WL 4045385, at *3-4 (Minn. App. July 20, 2020).

(Minn. 1945). The application of res judicata is a question of law, which we review de novo. *Hauschildt*, 686 N.W.2d at 840.

Res judicata applies where the earlier litigation (1) “involved the same set of factual circumstances,” (2) involved the same parties, (3) reached a final judgment on the merits, and (4) the party against whom res judicata is to be applied “had a full and fair opportunity to litigate the matter.” *Id.* If all four elements are met, res judicata bars all subsequent claims that were actually litigated and those that “could have been litigated in the earlier action.” *Id.* The parties agree that the Crow Wing habeas proceeding involved the same parties and was finally decided on the merits. Accordingly, we consider the first and fourth res judicata elements.

The Same Set of Factual Circumstances

Successive habeas petitions involve the same set of factual circumstances if the same evidence would sustain both actions and the claim for relief sought in both petitions arose at the same point in time. *Id.* at 840-41. The record demonstrates that the two habeas proceedings involve the same factual circumstances in both respects.

The Crow Wing petition alleges that the department miscalculated Roybal’s projected release date. When the department later rescinded his acceptance into the CRP, Roybal first moved the Crow Wing district court to “strike” the rescission, and then requested a stay of the proceedings so he could complete his administrative appeal and avoid having his constitutional claims dismissed as moot. The Anoka petition at issue here alleges the same claims—that the department miscalculated Roybal’s projected release date and wrongfully rescinded his admission into the CRP in violation of his constitutional

rights. The same evidence pertains to both petitions—Roybal applied for the program and was initially accepted, he received a June 2021 projected release date, and the department later rescinded his participation in the program. These factual circumstances did not change simply because Roybal was transferred to a correctional facility in Anoka County. Moreover, the claims asserted in the two petitions arose at the same point in time—the release date miscalculation claim arose in May 2019, when Roybal was admitted to the CRP, and his CRP eligibility claim arose in October 2019, when his acceptance was rescinded. Because the two habeas proceedings are based on the same facts and present claims that arose at the same points in time, the first element of res judicata is satisfied.

Full and Fair Opportunity to Litigate

Res judicata requires that the party against whom it is to be applied had a full and fair opportunity to litigate the matter in the prior proceeding. *State v. Joseph*, 636 N.W.2d 322, 327 (Minn. 2001). We focus our analysis on whether (1) there were significant procedural limitations in the prior proceeding, (2) the party had incentive to fully litigate the issue, and (3) effective litigation was hampered by the nature or relationship of the parties involved. *Id.* at 328. The record persuades us that Roybal had a full and fair opportunity to litigate the claims he now asserts under any measure.

First, Roybal did not face significant procedural limitations when he asserted his present claims in Crow Wing district court. A significant procedural limitation is one that prevents a party “in the first action from bringing the claim raised in the second action.” *Breaker v. Bemidji State Univ.*, 899 N.W.2d 515, 519 (Minn. App. 2017). Breaker sued the university for intentional infliction of emotional distress based on its failure to provide

him with the same employment opportunity he had before he was called up for active military service. *Id.* at 517-18. The district court dismissed the action for failure to state a claim. *Id.* at 518. A year later, the legislature passed a law waiving sovereign immunity for employment claims relating to military service. *Id.* Breaker subsequently sued the university based on the same facts and legal claims, arguing that res judicata did not apply as sovereign immunity prevented him from bringing these claims in his prior lawsuit. *Id.* This court agreed, concluding that the previous sovereign-immunity defense created a procedural limitation that deprived Breaker of a full and fair opportunity to litigate his claims. *Id.* at 524.

Roybal faced no similar procedural limitations here. There were no obstacles, statutory or otherwise, that prevented him from litigating his claims in the Crow Wing proceeding. The only purported limitation Roybal identifies is his transfer to the Anoka correctional facility. But his CRP acceptance did not depend on being housed in Crow Wing County, and nothing about his transfer to Anoka County prevented him from challenging the department's decision to rescind his acceptance in court or in administrative proceedings. Indeed, he did present his CRP projected-release-date-calculation and acceptance arguments to the Crow Wing district court both prior to and after his transfer. That Roybal chose not to appeal the CRP issues upon entry of final judgment in the Crow Wing case, and that he transferred facilities before his administrative appeals were completed, does not persuade us that Roybal faced significant procedural limitations that prevented him from litigating his CRP claims in the Crow Wing case. To

the contrary, Roybal had and took advantage of the ample opportunities to litigate his present claims before the Crow Wing district court.

Second, Roybal undoubtedly had full incentive to litigate his projected release date and CRP participation in connection with the Crow Wing petition. His request to recalculate his projected release date was part of that petition, and necessarily depended on his acceptance into the program. At the time the department rescinded his acceptance, his only pending habeas proceeding was in Crow Wing County, and he added a claim that the rescission violated his constitutional rights. The fact he later asserted a claim based on the rescission in Anoka County does not change the fact that Roybal had every incentive to and did fully litigate both issues in the Crow Wing proceeding.

Finally, nothing about the nature of the parties or the relationship between them prevented the full and fair litigation of Roybal's claims in the Crow Wing proceeding. Roybal had full access to the Crow Wing district court, which accepted and considered Roybal's petition and numerous supplemental motions and requests. And Roybal did not limit his litigation strategies based on any reliance on the department's representations. *Cf. In re Crablex, Inc.*, 762 N.W.2d 247, 254 (Minn. App. 2009) (declining to apply res judicata where party's failure to litigate an easement issue in prior foreclosure action was due to detrimental reliance on a settlement agreement the other party later breached), *review denied* (Minn. Apr. 29, 2009). Rather, he expressly asked the Crow Wing district court to recalculate his projected release date and to "strike" the department's decision to rescind his CRP acceptance—the same relief he seeks in this case.

In sum, the two habeas proceedings involve the same factual circumstances and the same parties, there was a final judgment in the first proceeding, and Roybal had the opportunity to fully and fairly litigate his current claims in the first proceeding. Accordingly, res judicata bars this action.

Affirmed.